IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 19TH JUNE 2007 / 29TH JYAISHTA 1929

Bail Appl..No. 3681 of 2007(A)

PETITIONERS

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1. ANAS, S/O.MUHAMMED HANEEFA, REEJA MANZIL VYAKKAL, VALAKOM, KOTTARAKKARA.

2. MUHAMMED HANEEFA, REEJA MANZIL, VYAKKAL, VALAKOM, KOTTARAKKARA.

3. JAMEELA, W/O.MUHAMMED HANEEFA, REEJA MANZIL, VYAKKAL, VALAKOM, KOTTARAKKARA.

4. ALFI, W/O.SHAHAM, THUMPATTATHODIYIL, PLATHRA, PALLIMUKKU P.O., KOLLAM.

5. SHAHAR, THUMPATTATHODIYIL, PLATHRA, PALLIMUKKU P.O., KOLLAM.

BY ADV. SRI.R.ARUN RAJ

RESPONDENTS:

STATE OF KERALA,
REP. BY SUB INSPECTOR OF POLICE,
(CRIME NO.93 OF 2007) CHATHANNUR POLICE STATION,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. JAI GEORGE, PUBLIC PROSECUTOR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 3681 Of 2007

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Dated this the 19th day of June, 2007

ORDER

Application for anticipatory bail. The petitioners are husband, father in law, mother in law, sister in law and husband of sister in law of the defacto complainant. Marriage took place on 12.03.06. The complaint was filed by the defacto complainant which was referred to the police under Section 156(3) Cr.P.C. The investigation is in progress. The petitioners apprehend imminent arrest. The crux of the allegations is that the petitioners were guilty of matrimonial cruelty of the culpable variety against the defacto complainant.

2. Learned counsel for the petitioners prays, learned Public Prosecutor does not raise any serious objections against grant for anticipatory bail and I am satisfied that directions need be issued under Section 438 IPC. In coming to this conclusion, I take note of the fact that there is no serious injury, whatsoever, caused to the complainant. Marriage still subsists. I take note of the submission of the learned counsel for the petitioner that disharmony in the marriage had prompted the defacto complainant to make such fanciful and false

allegations against her husband and in-laws. Appropriate conditions can of course be imposed.

5. In the result, this application is allowed. The following directions were issued under Section 438 Cr.P.C.:-

i) The petitioners shall surrender before the Learned Magistrate having jurisdiction at 11 a.m on 26.06.2007. They shall be released on regular bail on their executing a bond for Rs.25,000/- (Rupees Twenty Five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

ii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m. and 4 p.m on 27.06.2007 and thereafter they shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on all Mondays and Fridays, until further orders.

iii) If the petitioners do not surrender before the learned Magistrate as directed in clause (i), all directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the

petitioner and deal with them in accordance with law.

iv) if the petitioners were arrested prior to their surrender before the learned Magistrate as directed in clause (i) above, they shall be released forthwith on their executing a bond of Rs.25,000/-(Rupees Twenty five thousand only) without any sureties undertaking to appear before the learned Magistrate as directed in clause(i) above.

(R.BASANT, JUDGE)

sj